

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/975,442	DERVIN ET AL.
	Examiner Andrew Caldwell	Art Unit 2142

**All Participants:**

**Status of Application:** \_\_\_\_\_

(1) Andrew Caldwell.

(3) \_\_\_\_\_.

(2) Scott Stinebruner.

(4) \_\_\_\_\_.

**Date of Interview:** 31 July 2006

**Time:** \_\_\_\_\_

**Type of Interview:**

- Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant     Applicant's representative)

Exhibit Shown or Demonstrated:  Yes     No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

*11 and 18*

Prior art documents discussed:

*None*

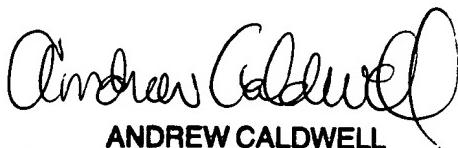
**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

See Continuation Sheet

**Part III.**

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



**ANDREW CALDWELL**

**SUPERVISORY PATENT EXAMINER**

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner telephoned the Applicants' attorney, Scott Stinebruner, to discuss the arguments raised in the Appeal Brief filed on January 23, 2006. The Examiner offered to allow all claims in the application if claims 11 and 18 were amended to include the language limiting those claims to systems wherein the notification of an update from a first to a second version occurs after all members are updated. The Examiner faxed a copy of a proposed amendment to claims 11 and 18 that would be acceptable. The proposed amendment also included changes to claim 18 that would address the rejection under 35 U.S.C. 101. The facsimile sent to the Applicants is attached to this interview summary and labelled as "Attachment A." After reviewing the amendment, the Applicants' attorney replied with a proposed amendment to claims 11 and 18 that he argued would better reflect the Applicants' invention. The Examiner agreed that the language proposed by the Applicants was more accurate. The Examiner agreed that the amendment would place the Application in condition for allowance. The draft amendment sent to the Examiner is attached to this summary and labelled as "Attachment B." On August 1, 2006, the Applicants' attorney provided the Examiner with amendments to the claims to be inserted into an examiner's amendment. A copy of this paper is not attached to this interview summary since it is included in the text of the examiner's amendment to which this interview summary is attached..

Attachment to Interview Summary  
Andrew Caldwell  
U.S. Patent & Trademark Office  
Art Unit 2142, Randolph 04E71  
401 Dulany St.  
Alexandria, VA 22313-1450

A

## facsimile transmittal

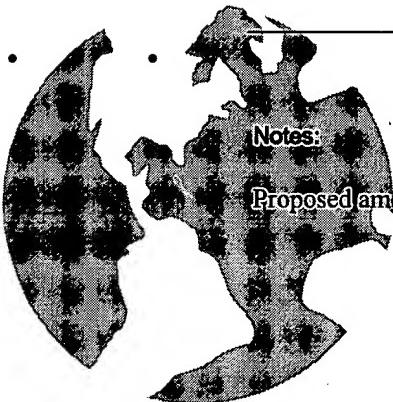
To: Scott Stinebruner Fax: (513) 241-6234

From: Andrew Caldwell Date: 7/31/2006

Re: 09/975,442 (IBM/204) Pages: 4 (including cover)

CC:

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4. (Original) The method of claim 1, wherein updating the cluster infrastructure software in an individual node comprises shutting down the node, installing cluster infrastructure software on the node, and restarting the node.

5. (Original) The method of claim 4, wherein shutting down the node includes removing a member that is resident on the node from the group and wherein restarting the node includes adding the member to the group.

6. (Original) The method of claim 1, wherein notifying comprises sending a ordered message to the group.

7. (Original) The method of claim 6, wherein notifying comprises sending a membership change message with an adjust version reason code.

8. (Original) The method of claim 1, further comprising verifying that all nodes are active prior to notifying the group.

9. (Original) The method of claim 1, further comprising verifying that the group is not partitioned prior to notifying the group.

10. (Original) The method of claim 1, further comprising verifying that all nodes are capable of running the updated cluster infrastructure version prior to notifying the group.

11. (Currently Amended) An apparatus comprising:

(A) a node configured to participate in a clustered computer system, the node having resident thereon cluster infrastructure software and at least one member of a group; and,

(B) program code resident in the node, the program code configured to notify the member of an update to the cluster infrastructure software ~~from a first~~ <sup>Y of all members</sup> of the group ~~version to a second version~~, and to dynamically update a cluster infrastructure version used by the member to that of the updated cluster infrastructure software; wherein the second version of the cluster infrastructure software has different program code from the first version of the cluster infrastructure software.

12. (Original) The apparatus of claim 11, wherein the updated cluster infrastructure software includes at least one new function, whereby the group has access to the new function subsequent to dynamically updating the cluster infrastructure version used by the node.

13. (Original) The apparatus of claim 11, wherein the notification is made using ordered messaging.

14. (Original) The apparatus of claim 13, wherein the notification is made via a membership change message with an adjust version reason code.

15. (Original) The apparatus of claim 11, wherein the program code is further configured to verify that the node is active prior to notifying the member and, if the node is not active, to return an error message.

16. (Original) The apparatus of claim 11, wherein the program code is further configured to verify that the group is not partitioned prior to notifying the member and, if the group is partitioned, to return an error message.

17. (Original) The apparatus of claim 11, wherein the program code is further configured to determine whether the node is capable of running the updated cluster infrastructure software prior to notifying the member and, if the node is not capable of running the updated cluster infrastructure software, to return an error message.

18. (Currently Amended) A program product, comprising:

(A) program code configured to reside on a node that participates in a clustered computer system and that further has resident thereon cluster infrastructure software and at least one member of a group, the program code configured to notify the member of an update to the cluster infrastructure software *from a first version to a second version*, and to dynamically update a cluster infrastructure version used by the member to that of the updated cluster infrastructure software; and

(B) *Y recordable type*  
(B) a signal-bearing medium bearing the program code;

*wherein the second version of the cluster infrastructure software has different program code from the first version of the cluster infrastructure software.*

of all  
members  
of the  
group

See Spec  
p. 11 lines 29-31

19. (Original) The program product of claim 18, wherein the updated cluster infrastructure software includes at least one new function, whereby the group has access to the new function subsequent to dynamically updating the cluster infrastructure version used by the node.

20. (Original) The program product of claim 18, wherein the notification is made using ordered messaging.

21. (Original) The program product of claim 20, wherein the notification is made via a membership change message with an adjust version reason code.

# Attachment to Interview Summary

(B)

## Proposed Amendment - S/N 09/975,442

11. (Currently Amended) An apparatus comprising:

(A) a node configured to participate in a clustered computer system, the node having resident thereon cluster infrastructure software and at least one member of a group; and,

(B) program code resident in the node, the program code configured to notify the member of an update to the cluster infrastructure software on all nodes in the clustered computer system having a member of the group from a first version to a second version, and to dynamically update a cluster infrastructure version used by the member to that of the updated cluster infrastructure software; wherein the second version of the cluster infrastructure software has different program code from the first version of the cluster infrastructure software.

18. (Currently Amended) A program product, comprising:

(A) program code configured to reside on a node that participates in a clustered computer system and that further has resident thereon cluster infrastructure software and at least one member of a group, the program code configured to notify the member of an update to the cluster infrastructure software on all nodes in the clustered computer system having a member of the group from a first version to a second version, and to dynamically update a cluster infrastructure version used by the member to that of the updated cluster infrastructure software; and,

(B) a recordable type signal-bearing medium bearing the program code; wherein the second version of the cluster infrastructure software has different program code from the first version of the cluster infrastructure software.